

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

ARICA JOSEPH

(b) County of Residence of First Listed Plaintiff _____

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
(215) 540-8888

DEFENDANTS

NCO FINANCIAL SYSTEMS, INC.

County of Residence of First Listed Defendant _____

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C SECTION 1692

Brief description of cause:

Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

Explanation:

DATE

SIGNATURE OF ATTORNEY OF RECORD

01/15/2013

/s/ Craig Thor Kimmel

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

ARICA JOSEPH	:	
	:	
v.	:	CIVIL ACTION
	:	
NCO FINANCIAL SYSTEMS, INC.	:	NO.
	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

01/15/2013
Date

Craig Thor Kimmel
Attorney-at-law

Plaintiff, Arica Joseph
Attorney for

215-540-8888
Telephone

877-788-2864
FAX Number

kimmel@creditlaw.com
E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 504 Jeffery Court, Apt. B, LaPlace, LA 70068

Address of Defendant: 507 Prudential Rd., Horsham, PA 19044

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) 15 U.S.C. § 1692

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Craig Thor Kimmel, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 01/15/2013 /s/ Craig Thor Kimmel 57100
Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 01/15/2013 /s/ Craig Thor Kimmel 57100
Attorney-at-Law Attorney I.D.#

ARICA JOSEPH (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS, INC. (“Defendant”):

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* ("FDCPA") and the Telephone Consumer Protection Act, 47 U.S.C. §227 *et seq.* ("TCPA").

2. Jurisdiction of this court arises pursuant to 15 U.S.C. §1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. §1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant has its corporate headquarters in the Commonwealth of Pennsylvania;
as such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. §1391(b)(1).

PARTIES

5. Plaintiff is a natural person residing in LaPlace, Louisiana, 70068.

6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1692a(3).

7. In the alternative, Plaintiff is a person granted a cause of action under the FDCPA. See 15 U.S.C. § 1692k(a) and Wenrich v. Cole, 2000 U.S. Dist. LEXIS 18687 (E.D. Pa. Dec. 22, 2000).

8. Defendant is a national debt collection company with its corporate headquarters located at 507 Prudential Road, Horsham, Pennsylvania 19044.

9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. At all relevant times, Defendant was attempting to collect an alleged consumer debt.

12. Upon information and belief, the alleged debt at issue arose out of transactions, which were primarily for personal, family, or household purposes.

13. Plaintiff never incurred any debt in connection with a business or commercial activities and, therefore, the debt, if truly an obligation owed by her, could have only arisen from a financial obligation for primarily personal, family or household purposes.

14. The debt Defendant is seeking to collect is a consumer debt.

15. Beginning in January 2012, and continuing through December 2012, Defendant

1 continuously contacted Plaintiff on her cellular and work telephones seeking and demanding
2 payment of an alleged debt.

3 16. Defendant called Plaintiff's cellular telephone, on average, two (2) times a day,
4 and placed most calls in quick succession in an effort to harass Plaintiff and cause disruption to
5 her life. Plaintiff never consented to the placement of calls to her cellular telephone by
6 Defendant or the creditor that placed an account for collection with Defendant.

7 17. None of Defendant's telephone calls placed to Plaintiff were for "emergency
8 purposes," as specified in 47 U.S.C. §227(b)(1)(A).
9

10 18. Over the period that Defendant was contacting Plaintiff, upon information and
11 belief, Defendant called Plaintiff several times on her cellular telephone using a pre-recorded,
12 computer recorded, or automated message.

13 19. In addition to contacting Plaintiff on her cellular phone, Defendant contacted her
14 place of employment, disclosing details about the alleged debt to her co-workers.

15 20. Plaintiff did not give Defendant permission to disclose any information regarding
16 the alleged debt to any third party, including her co-workers.

17 21. Defendant's disclosure of personal debt information to a third party was
18 extremely embarrassing to Plaintiff and caused her great harm.

19 22. Plaintiff received more than ten (10) collection calls a week and more than
20 twenty (20) collection calls in a 30-day period.

21 23. In those instances when Plaintiff spoke with Defendant, its collectors threatened
22 to take legal action against her, despite knowing that it did not intend to take the threatened
23 action and since has not taken steps in furtherance of the threatened action.
24

25 24. Further, Defendant used the time of its calls to harass Plaintiff, calling her at

1 times which it was inconvenient for her to receive collection calls. Specifically, on more than
2 one occasion, Defendant called her after 9:00 p.m., which it knew was per se inconvenient and
3 not authorized by Plaintiff.

4 25. Finally, within five (5) days of its initial communication with Plaintiff, Defendant
5 failed to send written notification informing her of her rights to dispute the debt and/or request
6 verification of the debt.

7 26. To date, Plaintiff has yet to receive any written notification from Defendant
8 regarding her rights to dispute the debt and/or request verification of the debt.

9 27. Defendant's actions in collecting a debt were abusive, harassing and deceptive.

10
11 **DEFENDANT VIOLATED THE**
12 **FAIR DEBT COLLECTION PRACTICES ACT**

13 **COUNT I**

14 28. Defendant's conduct, as detailed in the preceding paragraphs, violated 15 U.S.C.
15 §1692c(a)(1) and 1692c(b).

16 a. A debt collector violates §1692c(a)(1) of the FDCPA by communicating with
17 the consumer at any unusual time or place or a time or place known or which
18 should be known to be inconvenient to the consumer, including
19 communication between a debt collector and consumer prior to 8:00 a.m. or
20 after 9:00 p.m.

21 b. Section 1692c(b) of the FDCPA states that except as provided in section
22 1692b, without the prior consent of the consumer given directly to the debt
23 collector, or the express permission of the court of competent jurisdiction, or
24 as reasonably necessary to effectuate a post-judgment judicial remedy, a debt
25 collector may not communicate, in connection with the collection of any debt,

1 with any person other than a consumer, his attorney, a consumer reporting
2 agency if otherwise permitted by law, the creditor, the attorney of the creditor,
3 or the attorney of the debt collector.

4 c. Here, Defendant violated §1692c(a)(1) and 1692c(b) of the FDCPA by
5 placing numerous collection calls to Plaintiff's cellular telephone after 9:00
6 p.m., calling her at her place of employment, and disclosing information about
7 the debt to third parties without her authorization.

8
9 **COUNT II**

10 29. Defendant's conduct, as detailed in the preceding paragraphs, violated 15 U.S.C.
11 §§1692d and 1692d(5).

12 a. A debt collector violates §1692d of the FDCPA by engaging in conduct of
13 the natural consequence of which is to harass, oppress, or abuse any person in
14 connection with the collection of a debt.

15 b. A debt collector violates §1692d(5) of the FDCPA by causing a telephone to
16 ring or engaging any person in telephone conversation repeatedly or
17 continuously with the intent to annoy, abuse, or harass any person at the called
18 number.

19 c. Here, Defendant violated §§1692d and 1692d(5) of the FDCPA by
20 continuously calling Plaintiff's cellular telephone on an average two (2) times
21 a day, with the intent to annoy, abuse, and harass Plaintiff.

22
23 **COUNT III**

24 30. Defendant's conduct, as detailed in the preceding paragraphs, violated 15 U.S.C.
25 §§1692e and 1692e(5) of the FDCPA.

- a. A debt collector violates §1692e of the FDCPA by using false, deceptive or misleading representations or means in connection with the collection of any debt.
- b. A debt collector violates §1692e(5) by threatening to take any action that cannot legally be taken or that is not intended to be taken.
- c. Here, Defendant violated §§1692e and 1692e(5) of the FDCPA by threatening to take legal action against Plaintiff if she did make a payment on the alleged debt, lacking the intent to take such action.

COUNT IV

31. Defendant's conduct, detailed in the preceding paragraphs, violated 15 U.S.C. §1692g.

- a. A debt collector violates §1692f of the FDCPA by using unfair or unconscionable means to collect or attempt to collect any debt.
- b. Here, Defendant violated §1692f of the FDCPA by calling Plaintiff at her place of employment, calling her on her cellular phone, not providing her with information about the debt, and revealing information about the debt to her co-workers, as well as engaging in other unfair or unconscionable means to collect or attempt to collect a debt.

COUNT V

32. Defendant's conduct, detailed in the preceding paragraphs, violated 15 U.S.C. §1692g.

- a. A debt collector violates §1692g(a) of the FDCPA by failing to send to the consumer, within five days after its initial communication with a consumer in

connection with the collection of a debt, a written notice containing: (1) the amount of the debt; (2) the name of the creditor to whom the debt is owed; (3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector; (4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and (5) a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

- b. Here, Defendant violated §1692g of the FDCPA by failing to send written notification, within five (5) days after its initial communication with Plaintiff, advising Plaintiff of her rights to dispute the debt or request verification of the debt or providing her with the name of the original creditor and the amount of the debt.

COUNT VI
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

33. Section 227(b)(3)(A) of the TCPA authorizes a private cause of action for a person or entity to bring in an appropriate court of that state "an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation."

1 34. Section 227(b)(3)(B), of the Act authorizes a private cause of action for a person
2 or entity to bring in an appropriate court of that state “an action to recover for actual monetary
3 loss from such a violation, or to receive \$500 in damages for each such violation, whichever is
4 greater.”

5 35. Despite the fact that Plaintiff never consented to Defendant making calls to her
6 cellular phone, Defendant repeatedly placed non-emergency calls to Plaintiff’s cellular telephone
7 without Plaintiff’s consent.

8 36. The Act also authorizes the Court, in its discretion, to award up to three (3) times
9 the actual damages sustained for violations.

10 37. Here, Defendant repeatedly and regularly placed non-emergency, automated calls
11 to Plaintiff’s cellular telephone, using a pre-recorded or artificial voice.

12 38. Upon information and belief, Defendant contacted Plaintiff on her cellular
13 telephone dozens of times.

14 39. Defendant did not have Plaintiff’s express consent prior to contacting her cellular
15 telephone using an automatic telephone dialing system or pre-recorded or artificial voice.

16 40. Defendant’s conduct violated §227(b)(1)(A)(iii) of the TCPA by making any call
17 using any automatic telephone dialing system or an artificial prerecorded voice to a telephone
18 number assigned to a cellular telephone service.

19 WHEREFORE, Plaintiff, ARICA JOSEPH, respectfully prays for a judgment as follows:
20

- 21 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
22 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to
23 15 U.S.C. § 1692k(a)(2)(A);
24

- 1 c. All reasonable attorneys' fees, witness fees, court costs and other litigation
2 costs incurred by Plaintiff pursuant to 15 U.S.C. §1693k(a)(3);
3 d. Statutory damages of \$500.00 for each violation of the TCPA, pursuant to 47
4 U.S.C. §227(c)(5)(B); and
5 d. Any other relief deemed appropriate by this Honorable Court.

6 **DEMAND FOR JURY TRIAL**

7 PLEASE TAKE NOTICE that Plaintiff, ARICA JOSEPH, demands a jury trial in this
8 case.
9

10 RESPECTFULLY SUBMITTED,

11
12 Date: 01/15/2013

By: /s/ Craig Thor Kimmel
CRAIG THOR KIMMEL
Attorney ID No. 57100
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
Phone: (215) 540-8888
Fax: (877) 788-2864
Email: kimmel@creditlaw.com